

Notice of Allowability

Application No.

10/006,084

Examiner

Steven L. Weinstein

Applicant(s)

KASHOU ET AL.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment and attached declaration filed 12/15/03.
2. ☒ The allowed claim(s) is/are 8,2,5,6,7,9, and 4, renumbered claims 1-7, respectively.
3. ☒ The drawings filed on 15 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

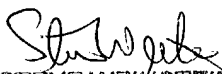
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


STEVE WEINSTEIN
PRIMARY EXAMINER 1761

Art Unit: 1761

Examiner's Amendment

In response to a telephone call with Mr. Haas on 2/25/04, the following changes were agreed upon to put this application in condition for allowance.

Claim 1 has been canceled and new claim 8 has been added as follows:

8. A method of preparing pita pocket bread comprising, immediately after baking pocket bread, cutting each piece of pocket bread to form a cut edge, separating the walls of each piece of pocket bread at a respective cut edge to open a pocket, then, with their pockets open, nesting pieces of pocket bread, one inside the respective pocket of another, to form a nested stack of pita pocket bread, and then packaging the nested stack of pita pocket bread.

Claim 3 has been canceled and new claim 9 has been added as follows:

9. A package of pita pocket bread, wherein said package includes a stack of pocket bread pieces in which each individual piece of pocket bread has a cut edge and walls that have been separated at the cut edge to open the respective pocket of each piece, and wherein the pieces of pocket bread are nested one inside the respective pocket of another, to create a nested stack inside said package.

In claims 2, 5, 6, and 7, line 1, "1" has been changed to -- 8 --;

In claim 4, line 1, "3" has been changed to -- 9 --;


In claims 6 and 7, line 1, "further comprising" has been changed to read -- wherein said packaging comprises --;

Art Unit: 1761

The title has been changed to read -- Packaged, Stacked, Opened Pocket Bread And Method Thereof --

Reasons For Allowance

Applicant's amendment and Declaration filed 12/15/03 have been fully and carefully considered. The claims are allowable essentially for the reasons given on pages 5 and 6 of the amendment. That is, the art taken as a whole does not teach packaging pocket pita bread by opening up the pockets of the bread and nesting the breads one inside the other within the pockets of the breads and the art taken as a whole does not teach packaged, nested within the pockets, stack of pita pocket bread. The art taken as a whole also does not teach the advantage derived from such packaging and stacking, i.e. the avoidance of damage to the bread and ease of use, versus stacking the pita bread in its conventional flat position. The prior art that does show stacking relates to other products with other properties and they do not fairly suggest modifying the primary reference and the function derived therefrom.


STEVE WEINSTEIN
PRIMARY EXAMINER 1761
2/25/04
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